IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 172 OF 2007.

Suresh Shivram Palekar. ... Petitioner.

Versus.

Mrs.Shantabai Shjivram Patil & others.... Respondents.

Shri R.A.Thorat for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : 5th June, 2007.

P.C.:

1. Heard Shri Thorat for the Petitioner. Breach alleged is of order dated 28th January 1992 by which temporary injunction has been granted pending the First Appeal. The breach alleged is on the basis of a Memorandum of Understanding executed by M/s.Pramod Cooperative Housing Society Ltd. in favour of a developer. The said Cooperative Society is not a party to the Civil Application No.200 of 1992 in which temporary injunction has been granted.

2. Though the Petitioner may have other remedy available in law on the basis of the said agreement, action under the Contempt of Courts Act, 1971 cannot be initiated. Accordingly Contempt Petition is disposed of.

Judge.